



2024/2202

5.9.2024

**COMMISSION IMPLEMENTING REGULATION (EU) 2024/2202**

**of 4 September 2024**

**amending Implementing Regulation (EU) 2022/1173 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 <sup>(1)</sup>, and in particular Articles 75 and 92 thereof,

Whereas:

- (1) Regulation (EU) 2021/2116 introduced the area monitoring system as a mandatory element of the integrated administration and control system (the 'integrated system') that is to be set up by each Member State. To ensure its proper and uniform implementation, the area monitoring system must have the same scope in all Member States, thus covering all beneficiaries and all area-based interventions managed under the integrated system and all monitorable conditions.
- (2) Article 10(3) of Commission Implementing Regulation (EU) 2022/1173 <sup>(2)</sup> provides, for the purpose of the area monitoring system, that, as from 1 January 2025, an eligibility condition is to be considered monitorable when it can be monitored by Copernicus Sentinels satellites data or geotagged photos referred to in Article 11 of that Implementing Regulation. In addition, Article 10(4) of Implementing Regulation (EU) 2022/1173 lays down on Member States the obligation to ensure that at least 70 % of interventions with eligibility conditions that can be monitored only with geotagged photos are subject to the area monitoring system at the latest before 1 January 2027.
- (3) After the experience gained in the first year of the implementation of the area monitoring system and difficulties expressed by the farmers' community, Member States need more flexibility in the use and processing of geotagged photos, to better combine Copernicus Sentinels satellite data and other types of data with at least equivalent value in accordance with Article 11 of Implementing Regulation (EU) 2022/1173. Therefore, the obligation laid down in Article 10(4) of Implementing Regulation (EU) 2022/1173 should be deleted.
- (4) At the same time, it is important to ensure that Member States are able to take advantage of all technological solutions, including geotagged photos, while having the necessary flexibility to implement their area monitoring system.
- (5) Therefore, the priority should no longer be given to geotagged photos in comparison to other data with at least equivalent value for defining a monitorable eligibility condition. Likewise, it is also necessary to remove the obligation of Member States to ensure, before 1 January 2027, that at least 70 % of interventions with eligibility conditions that can be monitored only with geotagged photos are subject to the area monitoring system.

<sup>(1)</sup> OJ L 435, 6.12.2021, p. 187, ELI: <http://data.europa.eu/eli/reg/2021/2116/oj>.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2022/1173 of 31 May 2022 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy (OJ L 183, 8.7.2022, p. 23, ELI: [http://data.europa.eu/eli/reg\\_impl/2022/1173/oj](http://data.europa.eu/eli/reg_impl/2022/1173/oj)).

- (6) Implementing Regulation (EU) 2022/1173 repealed Commission Implementing Regulation (EU) No 809/2014<sup>(3)</sup> with effect from 1 January 2023; however, certain provisions concerning cross-compliance in relation to the control system and administrative penalties continue to apply, amongst them the obligation for Member States to notify control data and control statistics.
- (7) Experience with the implementation of these provisions has shown, however, that the administrative burden created by their application can in some cases go beyond what is necessary to achieve their purposes; this is the case for the obligation to notify control data and control statistics foreseen in Article 9 of Implementing Regulation (EU) No 809/2014. Considering the restricted population of beneficiaries under a limited number of cross-compliance measures from claim year 2023 onwards, from which the sample for statistics is drawn, this may render the statistics not representative of all the beneficiaries who are subject to conditionality obligations and therefore, not a useful tool anymore for monitoring the Member States' implementation of conditionality. It is therefore appropriate to delete the continued application of such provisions.
- (8) Implementing Regulation (EU) 2022/1173 should therefore be amended accordingly.
- (9) Expenditure for which cross-compliance control data and control statistics are required, pursuant to Regulation (EU) No 1306/2013 of the European Parliament and of the Council<sup>(4)</sup>, on which Implementing Regulation (EU) No 809/2014 is based, is implemented through claim years, which coincide with calendar years. The scope of application of any provisions laid down in Implementing Regulation (EU) No 809/2014 should therefore also concern full calendar years. The amendment of Article 14 of Implementing Regulation (EU) 2022/1173 limiting the continued application of provisions laid down in Implementing Regulation (EU) No 809/2014, should therefore apply from 1 January 2024.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds, the Common Agricultural Policy Committee and the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Implementing Regulation (EU) 2022/1173 is amended as follows:

(1) Article 10 is amended as follows:

(a) paragraph 3 is replaced by the following:

'3. For the purpose of the area monitoring system, an eligibility condition shall be considered monitorable when it can be monitored by Copernicus Sentinels satellites data. Member States may also consider an eligibility condition as monitorable when it can be monitored by geotagged photos or any other data with at least equivalent value as provided for in Article 11. In order to address eligibility conditions considered monitorable, Member State may decide to use Copernicus Sentinels satellites data, geotagged photos or any other data with at least equivalent value as provided for in Article 11.';

(b) paragraph 4 is deleted;

<sup>(3)</sup> Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69, ELI: [http://data.europa.eu/eli/reg\\_impl/2014/809/oj](http://data.europa.eu/eli/reg_impl/2014/809/oj)).

<sup>(4)</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549, ELI: <http://data.europa.eu/eli/reg/2013/1306/oj>).

- (2) in Article 14, second paragraph, point (c) is replaced by the following:
- ‘(c) the control system and administrative penalties as regards rules on cross-compliance, with the exception of the control data and control statistics referred to in Article 9(1), point (b), of that Implementing Regulation from 1 January 2024.’.

*Article 2*

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 September 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN